



U.S. DEPARTMENT of STATE

Luxembourg

Country Reports on Human Rights Practices - [2004](#)

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Luxembourg is a constitutional monarchy with a democratic, parliamentary form of government. The role of the Grand Duke is mainly ceremonial and administrative. The Prime Minister is the leader of the dominant party in the popularly elected Chamber of Deputies (Parliament). On June 13, free and fair national elections took place. The Council of State, whose members are appointed by the Grand Duke, serves as an advisory body to the Parliament. The judiciary is independent.

Civilian authorities maintained effective control of the only security forces, the Grand Ducal Police. There were no reports that security forces committed human rights abuses.

The country had a market economy with active industrial and service sectors. As of January 1, the population was approximately 451,600. The standard of living and the level of social benefits were high.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of politically motivated killings by the Government or its agents; however, one person died in prison under unknown circumstances (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards and the Government permitted visits by independent human rights observers. Men and women were held separately in prisons. Juveniles and adults were held in separate facilities. Pretrial detainees were held separately from convicted criminals.

During the year, there was one death at the penitentiary in Schrassig, and an autopsy was ordered. According to the prison authorities, the detainee was suffering from a lung infection at the time of death. The autopsy also revealed a relatively high, but not lethal, quantity of methadone in his system. Prison authorities were unable to determine how he had obtained the methadone. According to the final statement of the prosecutor's office, both the lung infection and the methadone likely contributed to his death.

Protests by inmates highlighted overcrowding in the penitentiary in Schrassig, which currently holds 580 prisoners. A steady rise in criminality and sometimes lengthy waits for trials have led to a rise in the prison population. The Director of Prisons stated that, due to increasing difficulties hiring guards and the consequent shortage of personnel, two prison facilities were closed, which caused up to three inmates to share the same room.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The Grand Ducal Police and its investigative branch, the Judiciary Police, are under the direction of the Ministry of Justice and provide law enforcement services to the entire country.

Judicial warrants are required for arrests except in cases of hot pursuit. The law requires police to lodge charges and bring suspects before a judge within 24 hours of arrest. Suspects are given immediate access to an attorney, at government expense for indigents. The presiding judge may order release on bail.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The Supreme Court, whose members are appointed by the Grand Duke, heads the judicial system. One of the country's three Justices of the Peace has jurisdiction over minor criminal, civil, and commercial cases, and one of two district courts hears more serious cases. The Youth and Guardianship Court ruled on matters concerning the protection of young persons. An administrative court system reviews citizen challenges to legislation.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants are presumed innocent and have the right to a public trial. Defendants are free to cross-examine witnesses and to present evidence. Either the defendant or the prosecutor may appeal a ruling; an appeal results in a completely new judicial procedure, with the possibility that a sentence may be increased or decreased.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There is no state religion, but the Government provided financial support to some churches. Specifically, it paid the salaries of Roman Catholic, some Protestant, Orthodox, and Jewish clergy. Several local governments maintained sectarian religious facilities. In 2003, the Government signed a convention to extend support to the Anglican Church. Legislation required to complete this convention was passed in June. The Muslim community's agreement in 2003 to name a national representative and single interlocutor allowed the Government and the community to discuss the possibility of that community receiving similar government funding. The Muslim community designated a Shura Committee, which was discussing the issue of funding with government representatives at year's end.

There were no known acts of anti-Semitism, violence, or discrimination against religious minorities during the year. The Government sponsors an annual Remembrance Day to commemorate the deportations that occurred during WWII.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41694.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The Constitution prohibits forced exile, and the Government did not employ it in practice.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

After pledging in 2002 to deport several thousand persons whom it had determined did not qualify for asylum status, the Government proceeded with the voluntary or involuntary deportation of 708 individuals in 2003, the largest number (555) to Montenegro. In August, 1,415 individuals whom the Government had determined did not qualify for asylum status remained in the country and were subject to deportation to their home country. More than 1,000 came from Serbia-Montenegro, including 345 from Kosovo.

Authorities deported 13 persons for having irregular immigration status after police arrested them in March 2003 on suspicion of Muslim extremist activities.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National parliamentary elections are held at least every 5 years. The most recent national parliamentary elections were held on June 13.

Public documents were available on the Government's website and the Internet and were widely disseminated. A new law on freedom of expression for the media was passed on June 8. It does not provide free access to information that is not already in the public domain.

There were 14 women in the 60-member Chamber of Deputies and 3 women in the 14-member Cabinet.

One member of the Government is a foreign-born citizen.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

In February, the Council of Europe Human Rights Commissioner, Alvaro Gil-Robles, visited the country to assess its human rights record. His report on the visit recommended that the Government cease issuing "artiste visas" to women in order to deter trafficking (see Section 5, Trafficking.)

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits racial, sexual, or social discrimination, and the Government enforced these provisions.

Women

There were instances of domestic violence, which the Government took steps to address. In November 2003, a new law on domestic violence took effect that stipulates that a batterer will be removed from the house for 10 days; this period can be extended an additional 3 months, based on a request made by the police to the Public Prosecutor's office. The law is gender neutral. Police are responsible for filing charges to protect victims from being intimidated into dropping charges. Penalties for domestic violence may include fines and imprisonment. In addition, if a possible victim has been to a nongovernmental organization (NGO) for assistance, the police are required to interview the person. Starting in December 2003, the country provided a hotline for victims. During 2003, shelters provided refuge to 428 women and 519 children, compared with 399 and 460, respectively, in 2002. In addition, the Government provided financial assistance to domestic violence victims. Information offices set up to respond to women in distress reported that they received 3,013 telephone calls during 2003, compared with 4,708 calls in 2002. The Government funded organizations that provided shelter, counseling, and hotlines for victims.

The law specifically makes rape, including spousal rape, illegal and the Government enforced the law effectively.

Women enjoyed the same property rights as men under the law. In the absence of a prenuptial agreement, property is divided equally upon the dissolution of a marriage. The law mandates equal pay for equal work, and the Ministry for the Promotion of Women had a mandate to encourage a climate of equal treatment and opportunity; however, according to government reports, women were paid 20 to 30 percent less than men for equal work. The Government cited the interruption in the careers of women

caused by childbirth and their maternal roles as one reason for the disparity. There were no work-related discrimination lawsuits. Women constituted 37.4 percent of the work force, compared to 33 percent in 2003.

Children

The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care. The law mandates school attendance for children between the ages of 4 and 15, and school attendance is universal for children of those ages. Schooling was free through the secondary level, and the Government provided some financial assistance for postsecondary education.

There were some reports of abuse of children, although there was no societal pattern of such abuse. A physicians' organization estimated that approximately 200 cases of child abuse required treatment in hospitals each year and resulted in legal proceedings. The Government's hotline for young persons in distress received 615 calls during 2003.

The law sets criminal penalties for adults who traffic children, facilitate child prostitution, or exploit children through pornography and extends the country's criminal jurisdiction to citizens and residents who engage in such activities abroad. According to the law, offenders charged with the sexual exploitation of children may receive a sentence of from 1 month to 2 years in prison, including a fine from \$325 to \$16,250 (251 to 12,500 euros). In July, 16 persons were arrested for possessing pornographic documents of minors. Subsequently, they received sentences ranging from 3 to 15 months' imprisonment. The investigation was part of a larger international investigation to combat child pornography.

Trafficking in Persons

The law prohibits trafficking in persons, and there were no official reports that persons were trafficked to, from, or within the country.

There were no government services specifically designated for victims of trafficking; however, two NGOs fully financed by the Government provided shelter and counseling assistance to women in distress. The Ministry for the Promotion of Women had awareness programs for victims of domestic violence, although none specifically targeted trafficked victims.

In April, five individuals were arrested and charged with recruiting and transporting two women for prostitution. Two of the individuals arrested facilitated applications for artiste visas issued by the Government to foreign women who, if the visas were issued, were permitted to work as dancers in the country's cabarets for periods of 6 months. The other individuals arrested were two cabaret owners and a lawyer who were found to have violated the terms of the contracts signed with the women as the basis for the visa being issued. The women had voluntarily applied for the visas and traveled to the country. Once in the country, the women were pressured by their employers to engage in prostitution; however, there was no claim of coercion.

One month after the arrests and following a recommendation by the Commissioner for Human Rights at the Council of Europe, the Minister of Justice ended the artiste visa program. The termination was meant to prevent trafficking of women. The program's termination resulted in approximately 700 women losing the right to remain in the country to work in the cabarets. The women subsequently were required to return to their home countries.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. The Government assisted persons with disabilities in obtaining employment and professional education. Businesses and enterprises with at least 25 employees must by law fill a quota for hiring workers with disabilities and pay them prevailing wages. The quotas were fixed according to the total number of employees; employers who did not fulfill them were subject to sizable monthly fines. The Government provided subsidies and tax breaks for employers who hired persons with disabilities. There were no known complaints of noncompliance with the disability laws. However, the Government acknowledged that laws establishing quotas for businesses that employ over 25 persons were not applied or enforced consistently, and there was a particular problem in the case of persons with mental disabilities.

The law does not directly mandate accessibility for persons with disabilities, but the Government paid subsidies to builders to construct "disabled-friendly" structures. Despite government incentives, only a small proportion of buildings and public transportation vehicles were modified to accommodate persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

All workers had the constitutional right to associate freely and choose their representatives, and they exercised this right in practice. Of the working population, about 50 percent, including workers who commuted from neighboring countries, belonged to a trade union.

b. The Right to Organize and Bargain Collectively

The law does not specifically allow unions to conduct their activities without interference; however, unions operated free of interference, and the Government protected this right in practice. The law provides for and protects collective bargaining, which was conducted in periodic negotiations between unions and employers. The Constitution provides for the right to strike, except for government workers who provide essential services. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Government prohibits forced and compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The Ministries of Labor and Education effectively monitored the enforcement of child labor laws.

e. Acceptable Conditions of Work

The law provides for minimum wage rates that vary according to the worker's age and number of dependents. The minimum wage for a single worker over the age of 18 was approximately \$1,820 (1,403 euros) per month for unskilled workers, and \$2,190 (1,684 euros) per month for skilled workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family; however, most employees earned more than the minimum wage.

The law mandates a maximum workweek of 40 hours. Premium pay was required for overtime or unusual hours. Sunday employment was permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries could request permission for Sunday work, which the Government granted on a case-by-case basis. Work on Sunday, allowed for some retail employees, must be entirely voluntary and compensated at double the normal wage or with compensatory time off on another day equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day, including overtime. All workers received at least 5 weeks of paid vacation yearly, in addition to paid holidays.

The law mandates a safe working environment. An inspection system provided severe penalties for infractions. The Labor Inspectorate of the Ministry of Labor and the Accident Insurance Agency of the Social Security Ministry carried out effective inspections. No laws or regulations specifically provided workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, every worker has the right to ask the Labor Inspectorate to make a determination regarding workplace safety, and the inspectorate generally did so expeditiously.